**In the High Court of Justice, Family Division**



**No: [*Case number*]**

**[The Children Act 1989] /**

**[The Senior Courts Act 1981] /**

**[Council Regulation (EC) No. 2201/2003] /**

**[The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition and Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children]**

**(delete or adapt as appropriate)**

**The child[ren]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

After hearing [*name the advocate(s) who appeared*]

After consideration of the documents lodged by the applicant and the respondent

After reading the statements and hearing the witnesses specified in paragraph [*para number*] of the recitals below

**ORDER MADE BY [*NAME OF JUDGE*] ON [*DATE*] SITTING IN [OPEN COURT] / [PRIVATE]**

**The parties**

1. The applicant is [*applicant name*] (represented by [*applicant firm name*])

The respondent is [*respondent name*]

**(Specify any additional respondents)**

**(Specify if any adult party acts by a litigation friend)**

**(Specify if the children or any of them act by a children’s guardian)**

1. Unless otherwise stated, a reference in this order to ‘the respondent’ means all of the respondents.

**Recitals**

1. The judge read the following documents:
   1. [*insert*]
2. The judge heard the following oral evidence
   1. [*insert*]
3. **(amend as appropriate) [**The court decided that the threshold criteria in section 31 of the Children Act 1989 for the making of a care order has been met in this case, as more fully recorded in the schedule to this order and the judgment delivered on [*date*]] / [The court has been considering an application under the Children Act concerning [*name*]].
4. The court determined on [*date*] that it has jurisdiction over the child[ren] pursuant to [Article 8 of BIIR] / [Article 5 of the 1996 Hague Convention], it having determined that the child[ren] [was] / [were] habitually resident in England and Wales at the time these proceedings were commenced and that no other [Member State] / [State] had jurisdiction pursuant to [Article [10] / [12] of BIIR] / [Article [7] / [10] of the 1996 Hague Convention].
5. The court determined that the provisions of Article 15 of BIIR are now met in this case, in that **(amend as appropriate)**:
   1. The child[ren] [has] / [have] a particular connection with [*State*]in that it is the place of their former habitual residence, is the place of their nationality and is the habitual residence of their mother; and
   2. The courts of [*State*] are best placed to hear the remaining part of these proceedings; and
   3. It is in best interests of the child[ren] for these proceedings to be transferred to [*State*]

and that accordingly this court should request the courts of [*State*] to accept a transfer of this court’s jurisdiction pursuant to Article 15(1)(b) of BIIR.

1. The court sets the time limit required by Article 15(4) of BIIR at [*date*].
2. The court determined that the provisions of Article 8 of the 1996 Hague Convention are now met in this case, in that:
   1. The [child[ren] [is] / [are] a national of [*State*]] / [child[ren] [has] / [have] property in [*State*]] / [[*State*]’s authorities are seized of an application for divorce or legal separation of the child[ren]’s parents, or for annulment of their marriage] / [child[ren] [has] / [have] a substantial connection with [*State*]];
   2. The courts of [*State*] are best placed to assess the best interests of the child[ren]

and that accordingly this court should [request the courts of [*State*] to assume jurisdiction to take such measures of protection as it considers to be necessary] / [suspend consideration of the case and invite the parties to introduce such a request before the authority of [*State*]].

1. **(include or amend as appropriate)** The court requests that the courts of [*State*] do now accept the request for a transfer, the court observing that, although Article 15(5) of BIIR allows a period of 6 weeks from the date the court is seized in accordance with Article 15(1)(b) for the courts of [*State*] to accept the request, the best interests of the child[ren] would be better promoted by an immediate acceptance of the request.
2. The court has been informed in [*specify document*]that the [*specify organisation*], the competent authority for the purposes of Article 56 of BIIR, consents to the child[ren] being placed in their care, either in an institution or with a named foster carer.
3. This court requests that the Office of the International Liaison Judge and the Central Authority for England and Wales do co-operate and liaise with the [*State*] [Hague Network] / [European Judicial Network Liaison Judge] and the [*State*] Central Authority to ensure that the request for the [*State*] courts to accept a transfer of jurisdiction pursuant to [Article 15 of BIIR] / [Article 8 of the 1996 Hague Convention] by [*date*] [and that the placement of the child[ren] in [an institution and] foster care in [*State*] pursuant to Article 56 of BIIR is effected immediately and if at all possible that an order placing the child[ren] in the custody of the foster carer [*name of carer if identified*]is made prior to return of the child[ren] to [*State*]].
4. The court records that the interim care order made below will be automatically recognised in [*State*] by operation of Article 21 of BIIR.

**IT IS ORDERED THAT:**

1. The child[ren] shall be placed in the care of the applicant, [*local authority name*], for a period of 28 days. This order shall be discharged upon the making of an order by the courts of [*State*] placing the child[ren] in the care of the foster carer [*name of person or institution*] or after 28 days whichever is the sooner.
2. Upon the courts of [*State*] accepting the request that these proceedings shall be transferred to them these proceedings shall be transferred to [*State*] and this court will decline jurisdiction in accordance with Article 15(5) of BIIR.
3. Upon the courts of [*State*] having accepted the request under Article 8 (1) of the 1996 Hague Convention that these proceedings shall be transferred to them on the basis that it is in the child[ren]’s best interests, those courts shall assume jurisdiction and this court shall no longer exercise jurisdiction.
4. In the event that the courts of [*State*] have not accepted the request for a transfer of these proceedings by [*date*] these proceedings shall be listed for directions by [*date*], time estimate one hour. The applicant shall be responsible for re-listing the matter with the Clerk of the Rules in the event that the request for transfer has not been accepted.
5. In the event that the courts of [*State*] have not accepted the request for a transfer of these proceedings by [*date*] the applicant shall apply to renew the Interim Care Order for a further period of 28 days; the applicant to give notice to the other parties by 4.00pm on [*date*] in the event that a renewal is necessary.
6. Permission is granted to the applicant to remove the child[ren] permanently from the jurisdiction of England and Wales to be placed in an institution or foster care in [*State*].
7. The judgments delivered on [*dates*] together with all statements, reports and other documents within these proceedings shall be disclosed into the proceedings in the courts of [*State*]. Translations of the judgments and this order shall be provided by the applicant. Permission is granted to the parties to disclose the court papers and the judgments to any lawyer they instruct in [*State*] in relation to the proceedings concerning the child[ren] and to the [*State*] Central Authority and the Guardian.
8. The applicant must liaise with the competent authority of [*State*] for the purposes of making arrangements for:
   1. The transporting of the child[ren] to [*State*];
   2. The implementation of the placing of the child[ren] into institutional or foster care in [*State*].
9. No order for costs save for detailed assessment of the parties’ legally aided costs.

Dated [*date*]

**(include if appropriate)**

**SCHEDULE OF FINDINGS**

[*Insert*]